

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

CHARLES D. PARKS, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                   CIV-07-1229-D  
                        )  
MICHAEL J. ASTRUE, Commissioner,       )  
Social Security Administration,       )  
                        )  
Defendant.

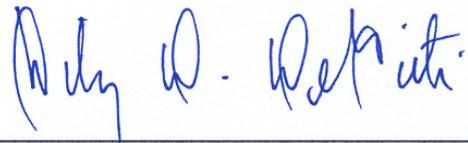
ORDER AND JUDGMENT

Plaintiff brought this action pursuant to 42 U.S.C. §405(g) for review of the Commissioner of Social Security Administration's decision denying Plaintiff's application for disability benefits and supplemental security income benefits. The matter was referred to United States Magistrate Judge Valerie K. Couch for initial proceedings in accordance with 28 U.S.C. §636 (b)(1)(B). The parties fully briefed their respective positions and, on July 29, 2008, Judge Couch filed a Report and Recommendation [Doc. No. 18] in which she recommended that the Commissioner's decision be reversed and that the matter be remanded for further proceedings.

In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the same; she scheduled an August 18, 2008 deadline for filing such objections. The Magistrate Judge also expressly cautioned the parties that a failure to object to the Report and Recommendation would constitute a waiver of the right to appeal the findings and conclusions contained therein. The deadline for filing objections has expired, and neither party has filed objections nor sought an extension of time in which to do so.

Accordingly, the Report and Recommendation [Doc. No. 18] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, the decision of the Commissioner denying Plaintiff's application for disability benefits is REVERSED and this matter is REMANDED for further proceedings.

IT IS SO ORDERED this 2<sup>nd</sup> day of September, 2008.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE